

Docket No. 1115-007U

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 09/589,551
Filing Date: June 7, 2000
Appellant: Thomas L. DiStefano III
Title: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS
PROVIDING E-COMMERCE TOOLS
Examiner: Lastra, Daniel Group Art Unit: 3622
Attorney Docket No: 1115-007U

TRANSMITTAL OF APPEAL BRIEF

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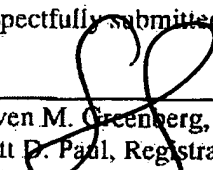
Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed September 6, 2005, and in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated December 13, 2005.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: January 13, 2006

Respectfully submitted,


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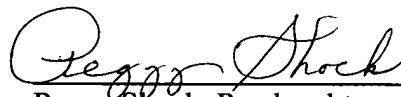
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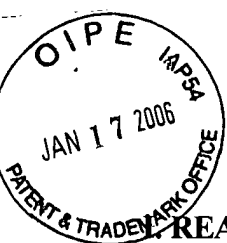
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I hereby certify that the following documents are being deposited with the United States Postal Service Post Office as first-class mail in an envelope addressed to Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of January, 2006.

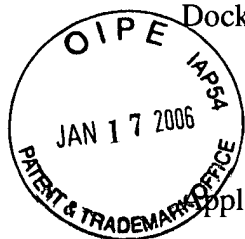
Respectfully submitted,



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APPEAL BRIEF

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Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed September 6, 2005, and in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated December 13, 2005, wherein Appellant appeals from the Examiner's rejection of claims 1-21.

I. REAL PARTY IN INTEREST

This application is assigned to IBM Corporation by assignment recorded on August 22, 2000, at Reel 011152, Frame 0250.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-21 are pending and finally rejected in this Application. It is from the final rejection of claims 1-21 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Final Office Action dated June 6, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 13, and 19-21 are respectively directed to methods, computer program products, and a system for assisting a website designer establish an arrangement between a first website being designed and a second website. *The arrangement is established to market the first Web site at the second website upon activation of the first website on the Internet.* During the design of the first website, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second website, at which the marketing element being described is to be displayed. The received information is saved within a database that is coupled to the user interface through which the information was received.

The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second website when the first website is activated with respect to the Internet. That is, when the first website being developed is activated, the second website is altered to display the marketing element(s) specified by the developer when developing the first website.

VI. ISSUES TO BE REVIEWED ON APPEAL

1. Claims 1, 4-13 and 16-21 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore et al., U.S. Patent No. 6,330,575 (hereinafter Moore);
2. Claims 2 and 3 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore in view of Wexler et al., U.S. Patent No. 5,960,409 (hereinafter Wexler); and
3. Claims 14 and 15 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess et al., U.S. Patent No. 6,058,417 (hereinafter Hess).

VII. THE ARGUMENT

THE REJECTION OF CLAIMS 1, 4-13 AND 16-21 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE

For convenience of the Honorable Board in addressing the rejections, claims 3-4, 6, 13, 16-21 stand or fall together with independent claim 1. Claims 5, 7-8, and 11-12 each stand or fall alone. Claim 10 stands or falls together with dependent claim 9.

Claims 1, 13, and 19-21

Failure to clearly designate teachings in applied prior art

At the outset, Appellant respectfully submits that the Examiner has failed to clearly designate the teachings in Moore being relied upon the statement of the rejection. In this regard, the Examiner's rejection under 35 U.S.C. § 103 also fails to comply with 37 C.F.R. § 1.104(c), which provides:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The Examiner has not designated the particular parts of Moore being relied "as nearly as practicable." Instead, the Examiner's statement of rejection reproduces entire paragraphs of the claims and asserts that all the limitations in the particular paragraph are disclosed by certain cited passages within Moore. Although broadly identifying where the Examiner believes the claimed limitations are disclosed in Moore, the statement of the rejection fails to clearly identify many of the specific elements within Moore being relied upon in the rejection.

Failure to teach "during design of a first Web site"

Independent method claims 1 and 19 recites "*during design of the first website*, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed," and to teach this particular limitation the Examiner has cited column 3, lines 30-40 and column 8, lines 27-61 of Moore. Although column 8, lines 27-61 of Moore refers to a "Development Tool," which "allows the merchant to design, build, and publish a web site," Moore is silent as to when information is received at a user interface indicating a type of

element for marketing that is to be displayed at a second website, as recited in claim 1. Independent claims 13 and 20-21 also recite a similar limitation in that these claims recite that the method occurs when "a first website being designed."

Moreover, in response to a prior Argument by Appellant that the cited portions of Moore fails to teach these limitations, on page 15 of the Final Office Action the Examiner asserted that these features are disclosed in column 8, lines 59-62, which for ease of reference, is reproduced below:

The merchant can even totally remove the Web storefront, and simply post the price URLs on news groups or on another web site.

Instead, this cited portion of Moore only teaches the removal of an entire Web site and the placement of information at a different location. Therefore, the Examiner has failed to establish that Moore either explicitly or inherently teaches the following recited limitations: "during the design of the first website" and "receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website."¹

Failure to establish a proper motivation to modify Moore

Claims 1 and 19 recite "causing the display of the element for marketing at the second website when the first website is activated with respect to the internet," and the Examiner admitted on page 3 of the Final Office Action that "Moore does not expressly teach that said display of said element is done when the first website is activated with respect to the Internet." Independent claims 13 and 20-21 recite the similar limitation of "when the first website is

¹ It is legally erroneous to ignore any claim limitation. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

activated on the internet ...". In attempting to establish a prima facie case of obviousness to modify Moore, the Examiner asserted the following with regard to claim 1:

However, Applicant's specification page 33, lines 10-13 discloses that "posting" a website" [sic] and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website (i.e., first website) would be activated with respect to the Internet when said merchant website would post a price URLs (i.e., marketing element) at the second website. There is no purpose of posting a price URL in another website, if the location from which the price URL is sent (i.e., typically a page from the merchant website) is not active, as customers would not be able to hyperlink to said price URL address.

The Examiner's logic is flawed for several reasons. The Examiner has misinterpreted Appellant's specification. The Examiner has improperly relied upon Appellant's specification for the motivation to modify Moore, and the Examiner has failed to establish a factual basis within the applied prior art for a realistic motivation to modify Moore.

The Examiner relied upon page 33, lines 10-13 of Appellant's specification, and page 10, lines 9-13 are reproduced below:

Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website.

It is readily apparent that one skilled in the art would not consider the terms "posted" and "activated" to be necessarily "equivalent," as asserted by the Examiner. For example, a website that is posted may not necessarily be activated since a separate activation step may be required after the website is posted. Thus, Appellant used the terms "posted" and "activated" as alternatives and not as equivalents (i.e., necessarily meaning the same thing).

Notwithstanding what Appellant has taught in the specification with regard to the relative meanings of the terms "activated" and "posted," the Examiner has improperly relied upon

Appellant's disclosure. In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to identify a source in the applied prior art for: (1) claim limitations and (2) the motivation to modify a reference in the reasonable expectation of achieving a particular benefit.² The Examiner, however, has failed to point to any teaching within Moore that supports the Examiner's asserted motivation to modify Moore. The Examiner's assertion that "[t]here is no purpose of posting a price URL in another website, if the location from which the price URL is sent ... is not active" is not supported by the applied prior art. As stated by the Federal Circuit in In re Zurko, "the [Patent Office] cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, the [Patent Office] must point to some concrete evidence in the record in support of these findings."³

Therefore, for the reasons stated above, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claims 1, 13, and 19-21, within the meaning of 35 U.S.C. § 103.

Claim 5

Dependent claim 5 recites, in part, the following limitation: "causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites." On page 4 of the Final Office Action the Examiner asserted that this limitation is disclosed in Figures 6 and 7 and in column 10, line 59 through column 11, line 15 of Moore. The Examiner also includes the assertion "page include a link to another Internet website."

² Smiths Industries Medical System v. Vital Signs Inc., 183 F.3d 1347, 51 USPQ2d 1415 (Fed. Cir. 1999).

³ 258 F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001).

Upon reviewing the figures and passages cited by the Examiner, however, Appellant is unable to determine where Moore teaches the above-identified limitation. Specifically, there is no apparent disclosure within Moore of the claimed "sequential display" or "a plurality of banners ads respectively concerning a plurality of third party websites." Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 103.

Claim 7

Dependent claim 7 recites the following limitations:

determining whether the banner ad for the first website has already been designed; and

when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

In the statement of the rejection, the Examiner admits that Moore fails to teach these limitations.

The Examiner then asserted the following:

However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would create and edit banner advertisements, and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. There would be no purpose in creating a website if nobody knows that it exists.

Not only is the Examiner's logic flawed, the Examiner has failed to supply any factual support for the Examiner motivation to modify Moore. Instead, the Examiner appears to be

engaging in impermissible hindsight reconstruction of the claimed invention using Appellant's claims as a roadmap.⁴

Furthermore, even *assuming arguendo* that the Examiner's assertion that "[t]here would be no purpose in creating a website if nobody knows that it exists" is correct, the Examiner's assertion does not necessarily lead to the claimed invention. Other methods besides creating a banner ad exist to inform potential viewers that a website exists (e.g., registering the site with a search engine). Thus, one having ordinary skill in the art would not necessarily arrived at the claimed invention based upon the Examiner's reasoning. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 7, within the meaning of 35 U.S.C. § 103.

Claim 8

On page 5 of the Final Office Action, the Examiner cited column 8, lines 39-62, column 10, line 44 through column 11, line 15, and Figure 6 to teach "receiving a search request for available banner ad designs at the user interface," as recited in claim 8. A review of these cited passages and figure fails to yield any mention of a banner ad. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 8, within the meaning of 35 U.S.C. § 103.

Claims 9 and 10

⁴ "Determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention." *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 546, 48 USPQ2d 1321, 1329 (Fed. Cir. 1998).

On page 6 of the Final Office Action, the Examiner asserted that each of the five different steps recited in claim 9 are disclosed in column 11, lines 50-60 of Moore, which for ease of reference is reproduced below:

Each page created by the merchant can, as mentioned earlier, be modified. Style components can be added, deleted, moved, resized, etc. Another feature of the Development Tool is that it presents the page just as a Web customer will see it. This feature, called WYSIWYG for "what you see is what you get" allows the merchant to see, without publishing and browsing, what the published page will look like when it is published. Additionally, the Development Tool also provides a previewing option which uploads all of the pages and allows the merchant to view the entire Web site with a Web browser.

Upon reviewing this passage, Appellant is unable to determine where in this passage Moore discloses all of the limitations recited in claim 9. For example, this passage is silent as to display regions, and thus, cannot teach the claimed first and second display regions.

With regard to claim 10, in addition to citing the same passage, the Examiner also cited Figure 13. However, Appellant is unable to determine where in this passage and figure Moore discloses each of the limitations recited in claim 10. For example, the citations are silent as to "sonic effects." Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claims 9 and 10, within the meaning of 35 U.S.C. § 103.

Claim 11

Claim 11 depends from claim 9 and concerns features recited in claim 9. However, the passages cited by the Examiner to teach the limitations recited in claim 11 appear to be unrelated to the teachings the Examiner cited to teach the limitations recited in claim 9, and the Examiner has not described the interdependency between these citations for claims 9 and 11. Therefore, the Examiner has failed to consider the claimed invention as a whole. Thus, the Examiner's

statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 11, within the meaning of 35 U.S.C. § 103.

Claim 12

With regard to claim 12, the Examiner cited column 8, lines 27-65, column 10, line 44 through column 11, line 15, and Figure 13 to teach the limitations recited therein. Upon reviewing these passages, Appellant is unable to determine where Moore discloses each of the limitations recited in claim 12. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 12, within the meaning of 35 U.S.C. § 103.

THE REJECTION OF CLAIMS 2 AND 3 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE IN VIEW OF WEXLER

For convenience of the Honorable Board in addressing the rejections, claims 2 and 3 stand or fall together with independent claim 1.

Claims 2 and 3 depend from independent claim 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 for obviousness based upon Moore. The Examiner's secondary reference of Wexler does not cure the argued deficiencies of Moore. Accordingly, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 2 and 3 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Wexler is not viable and, hence, solicits withdrawal thereof.

**THE REJECTION OF CLAIMS 14 AND 15 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS
BASED UPON MOORE IN VIEW OF HESS**

For convenience of the Honorable Board in addressing the rejections, claims 14 and 15 stand or fall together with independent claim 13.

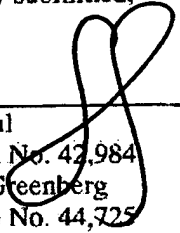
Claims 14 and 15 depend from independent claim 13, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 13 for obviousness based upon Moore. The Examiner's secondary reference of Hess does not cure the argued deficiencies of Moore. Accordingly, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 14 and 15 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess is not viable and, hence, solicits withdrawal thereof.

Conclusion

Based upon the foregoing, Appellant respectfully submits that the Examiner's rejections under 35 U.S.C. § 103 are not factually or legally viable. Appellant, therefore, respectfully solicits the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 103.

Date: January 13, 2006

Respectfully submitted,



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VIII. CLAIMS APPENDIX

1. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

2. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

providing information concerning the at least one third party website at the user interface.

3. The method of claim 1, further comprising:

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;
saving the information at the first database; and
causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the internet.

4. The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and
creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. (Original) The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

7. The method of claim 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and
when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

8. The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;
receiving a search request for available banner ad designs at the user interface;
performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;
displaying results of the search on the user interface; and
receiving a selection command at the user interface to select a first banner ad design from the results.

9. The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and
saving the modified first banner ad design.

10. The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design;
and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

11. The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

receiving credit card processing information at the user interface; and

determining the adequacy of the credit card processing information.

12. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of a smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

13. A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;
receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

14. The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions.

15. The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price.

16. The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field.

17. The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier;

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier;

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor,

wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received.

18. The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region,

wherein the first display region is capable of displaying the e-commerce feature in an interactive manner.

19. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;
obtaining an element for marketing of the type indicated; and
causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,
wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

20. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

21. An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the system including;

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet, wherein the server computer:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and

information specifying the second website at which the element is to be displayed;

saves the information at a first database that is coupled to the server computer;

obtains an element for marketing;

hosts the second website;

activates the first website on the internet by hosting the first website on the internet;

provides a web page for the second website to one of the unregistered computers; and

displays the element for marketing on the web page.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.